

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
Case No. 4:20-cv-60

TERESA PRITCHARD as Administrator of :
the Estate of Cedric D. Pritchard, :
: Plaintiff, : **DECLARATION OF**
vs. : : **AARON MICHAEL MOBLEY**
AARON M. MOBLEY, in his individual :
capacity, and CITY OF WASHINGTON, :
: Defendants. :

AARON MICHAEL MOBLEY, under penalty of perjury, declares as follows:

1. My name is Aaron Michael Mobley. I have personal knowledge of the matters set forth in this Declaration and am competent to testify as to those matters. I understand that I make this Declaration under penalty of perjury.
2. On October 21, 2018, I was employed as a Senior Patrol Officer with the Police Department for the Washington, North Carolina (“WPD”), and was on that Sunday on duty working the noon to midnight split shift.
3. On that day I was working in the WPD building known as Station Two when dispatch radioed a report of an automobile accident with personal injury in front of Pam’s Diner on John Small Avenue.
4. I left Station Two driving my 2015 Ford Explorer WPD police vehicle to provide traffic control assistance to Sergeant Spinner who was responding to the automobile collision.

5. As I approached the intersection of 15th Street and Washington Street, I observed a blue Pontiac Aztec vehicle approaching the stop sign at the intersection of 15th Street and Pierce Street near the Alderbrook housing complex.

6. The Pontiac Aztec vehicle caught my attention because I knew the owners, who lived in the housing complex, and had performed a traffic stop of the vehicle and its owners the night before during which I advised the driver of her outstanding criminal summons and arrested a back seat passenger on felony drug charges.

7. As I approached the intersection, the Aztec pulled onto 15th Street toward my direction so that, as our vehicles passed on the roadway, I could see the driver of the vehicle.

8. I identified the driver of the vehicle as Cedric Pritchard.

9. I knew that Mr. Pritchard was a suspect in an armed robbery that had occurred the previous Friday night, as well as being suspected to have engaged in the discharge of firearms with another person on the Saturday night before this Sunday.

10. I also knew that Mr. Pritchard had been identified as wearing a green “hoodie” sweat jacket on those occasions and observed that he was wearing a green hoodie when I saw him operating the Pontiac Aztec.

11. I also knew that Mr. Pritchard did not have a driver’s license and was a convicted felon.

12. As I passed, the Pontiac Aztec vehicle stopped at a stoplight with the left turn signal operating.

13. I turned right on Pierce Street, then right on 13th Street and operated my vehicle to the stop sign at the intersection of 13th and Washington Streets.

14. As I waited briefly at the intersection of 13th and Washington Streets, I used my patrol vehicle radio to call and request a driver's license check on Mr. Pritchard, intending to confirm my belief that he was not licensed.

15. The Pontiac Aztec vehicle passed in front of me on Washington Street and I again could clearly see Mr. Pritchard operating the vehicle.

16. I pulled my patrol vehicle onto Washington Street and began following the Pontiac Aztec vehicle.

17. As I was travelling on Washington Street behind the Pontiac Aztec vehicle, awaiting the requested driver's license information from dispatch, the vehicle abruptly whipped left across the lane for oncoming traffic and stopped at an angle by the curb on the left side of the street in front of 1105 Washington Street.

18. When the Aztec whipped to the left, I activated the blue lights on my patrol vehicle but did not activate my siren.

19. At this point, I knew that Mr. Pritchard was operating the Pontiac Aztec vehicle; I believed that Mr. Pritchard did not have a driver's license; I saw Mr. Pritchard operate the vehicle left of center in violation of North Carolina law and attempt to park the vehicle on the left side curb in violation of a City Ordinance; all three of these violations are misdemeanors.

20. I turned my patrol vehicle in behind the Aztec and parked on the left curb approximately one car length behind.

21. As I responded to the sudden and unexpected stop, I radioed the license plate number and advised dispatch that I was performing a traffic stop, providing the location.

22. I exited my patrol vehicle through the driver's door, made eye-to-eye contact with Mr. Pritchard through the driver's side mirror on the Aztec and he was looking at me like a predator.

23. At that moment, my intention was to walk to the driver's door of the Aztec, activating my body camera and touching the rear of the Aztec with my hand as I approached, and issue citations to the operator for the misdemeanor traffic violations that I had witnessed and, with respect to the driver's license, that I believed he had committed.

24. Before I reached the front of my patrol vehicle, the driver's side door of the Aztec suddenly opened. I immediately saw a handgun in Mr. Pritchard's hand.

25. Mr. Pritchard quickly exited the Pontiac Aztec vehicle with the handgun in his right hand and, as he faced towards me, he pointed the gun in my direction. He began moving to his right.

26. At this point, Mr. Pritchard had a tactical advantage over me, in that he already had a drawn firearm in a firing position. I immediately drew my service handgun in response.

27. Mr. Pritchard turned and started to run, with the gun still in his hand. As Pritchard moved away and I continued to approach, he raised his right arm behind his back, such that the barrel of the gun was pointing in my direction. I could clearly see the muzzle of his handgun.

28. When I saw the barrel of the gun pointing at me, I fired my service weapon twice. I believe that both shots struck Mr. Pritchard.

29. The entire incident happened very quickly. I believe that, from the time I exited my patrol vehicle until the time I fired the shots, less than three seconds elapsed.

30. I believe that, from the time I exited my vehicle until the time I fired the two shots, I traveled by foot the distance between the driver's door of my patrol vehicle to approximately the rear quarter panel of the Pontiac Aztec.

31. Mr. Pritchard went down in the front yard of the 1105 Washington Street. I approached him to render first aid assistance.

32. I was unable to provide CPR assistance to Mr. Pritchard because of a mass in his chest area; I radioed to report the incident and to request emergency medical assistance.

33. I did not get a chance to activate my body camera to record the entire incident because it happened so quickly, but the dash cam video recorder in my patrol vehicle did record the incident.

34. In Mike Sutton's Report, the pictures accompanying Figures 8, 9, 10, 11, 12, 13, 14 and 15 depict the incident, from the point where Mr. Pritchard has opened the car door and started to exit the Pontiac to the point where I start to approach Mr. Pritchard to attempt to render assistance.

35. My view of the incident was much clearer than the dash cam video because I was much closer to Mr. Pritchard and had a better angle to see him.

36. The pictures shown in Figure 9 of Mr. Sutton's Report show Mr. Pritchard turned towards me as he was exiting the vehicle. The object in Pritchard's right hand (which is highlighted by the red circle in the picture with the caption "Frame #00459") is the handgun I mentioned. Again, I could see the handgun much more clearly than it is shown in the picture because I was closer to Pritchard and had a better line of sight. The pictures shown in Figure 10 also show Mr. Pritchard facing towards me. I could clearly see the gun at this time.

37. The point at which I fired the first shot is depicted in the pictures accompanying Figures 12 and 13 of Mr. Sutton's Report. In the picture accompanying Figure 12 (captioned "00471" in the top left corner), the object in Mr. Pritchard's right hand and highlighted with the red circle is the handgun. As you can see, Mr. Pritchard's right arm was behind his back and the gun was extended away from his body. I could see that the muzzle was pointed in my direction. This is the point in time at which I pulled the trigger and you can actually see the muzzle blast in the next picture (the picture captioned "00472" in Figure 13).

37. The point at which I fired the first shot is depicted in the pictures accompanying Figures 12 and 13 of Mr. Sutton's Report. In the picture accompanying Figure 12 (captioned "00471" in the top left corner), the object in Mr. Pritchard's right hand and highlighted with the red circle is the handgun. As you can see, Mr. Pritchard's right arm was behind his back and the gun was extended away from his body. I could see that the muzzle was pointed in my direction. This is the point in time at which I pulled the trigger and you can actually see the muzzle blast in the next picture (the picture captioned "00472" in Figure 13).

38. I did not harbor any personal animosity or ill-will towards Mr. Pritchard. I fired my service weapon because I believed he posed a threat.

Under penalty of perjury, I declare that the foregoing statements in this Declaration are true and correct. Executed this the 28th day of May, 2021.



Aaron M. Mobley